

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * *

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#93¹) entered on November 27, 2013, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#73) filed on March 13, 2013. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#93) entered on November 27, 2013, should be adopted and accepted.

¹Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#93)
2 entered on November 27, 2013, is adopted and accepted, and Defendants' Motion for Summary
3 Judgment (#73) is **GRANTED in part and DENIED in part** as follows:

- 4 (1) Summary judgment is GRANTED in favor of defendants Everett, Cox, Skolnik, Helling,
5 Benedetti, Bannister and McDaniel;
6 (2) Summary judgment is DENIED as to defendants Dr. Gedney and Brooks;
7 (3) Summary judgment is GRANTED to the extent Plaintiff seeks to recover monetary
8 damages against the remaining defendants in their official capacities;
9 (4) The request of defendants Everett, Cox, Skolnik, Helling, Benedetti, Bannister and
10 McDaniel for qualified immunity is DENIED as moot; and
11 (5) The request of defendants Dr. Gedney and Brooks for qualified immunity is DENIED
12 because of the existence of factual issues which preclude a determination of qualified
13 immunity at this time.

14 IT IS FURTHER ORDERED that this case is referred to the Honorable Valerie P. Cooke for
15 the purpose of conducting a settlement conference.

16 IT IS FURTHER ORDERED that, if settlement is unsuccessful, the remaining parties shall
17 submit their proposed joint pretrial order pursuant to Local Court Rules 16-3 and 16-4 within forty-five
18 (45) days of the unsuccessful settlement conference.

19 IT IS SO ORDERED.

20 DATED this 22nd day of January, 2014.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

